

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,

Plaintiff,

v.

HEALTHY SOLUTIONS, LLC, ET. AL.,

Defendants.

CAPPSEALS, INC.,

Plaintiff-in-
Intervention

v.

HEALTHY SOLUTIONS, LLC., D/B/A
DIRECT BUSINESS CONCEPTS; ITV
DIRECT, INC. AND DIRECT
FULFILLMENT, LLC.

Intervenor-
Defendants.

C. A. No. 04-CV10421-JLT
(DEIN, J)

**CAPPSEALS, INC.'S REPLY TO THE ITV PARTIES'
OPPOSITION TO CAPPSEALS' MOTION FOR SANCTIONS
UNDER 28 U.S.C. § 1927 AND THE INHERENT POWERS OF THE COURT**

EXHIBIT 5, PART 8

SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1275371
1843 / 35965
Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/19/06	S. Gelwick	0.70	Review invoices of W. Callahan for privileged material in order to produce to Cappseals; compare with prior invoices produced to Cappseals.
08/23/06	S. Gelwick	0.70	Review additional financial documents received from W. Callahan regarding DMC.
08/24/06	S. Gelwick	0.60	Review additional Citibank statements received from W. Callahan to produce to Cappseals; review prior correspondence from S. Silverman regarding financial documents.
08/25/06	S. Gelwick	2.30	Review supplemental brief, affidavit of S. Silverman and exhibits filed by Cappseals to supplement summary judgment motion; review summary judgment draft order previously filed by Cappseals and by DMC to determine response to supplemental filing; review electronic notices and court docket.
08/28/06	P. Brooks	0.30	Office conference regarding
08/29/06	C. Robertson	1.20	Review court orders regarding denial of motion for partial summary judgment and allowance of amended complaint; call with S. Gelwick regarding : call with M. Sciucco regarding review amended complaint and Chapter 93A issues.
08/29/06	S. Gelwick	0.80	Review electronic order from the court on Cappseals' motion for partial summary judgment and court docket; review motion to amend complaint, amended complaint and our opposition; exchange emails with C. Robertson regarding
08/30/06	C. Robertson	0.40	Meet with S. Gelwick regarding ; meet with P. Brooks regarding review docket regarding denial of motion for summary judgment and allowance of motion to amend.
08/30/06	P. Brooks	0.30	Office conference regarding
08/30/06	S. Gelwick	0.40	Conference with C. Robertson regarding review court docket for second Cappseals case; review electronic notice regarding docketing of Cappseals' supplemental brief.
Total Hours		50.80	

Total Fees

18,501.00

Disbursements

Copying 15.40
Litigation Support Vendors - WARROOM DOCUMENT 278.82

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ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1275371

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Disbursements

SOLUTIONS

Total Disbursements**\$ 294.22****Total This Statement****\$18,795.22**

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

131 SOUTH DEARBORN STREET - SUITE 2400
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(312) 460-5000
FEDERAL ID 36-2152202

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WASHINGTON, D.C.
BRUSSELS

September 2006

Invoice No. 1275371
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
55 Cherry Hill Drive
Beverly, MA 01915
Attention:

INVOICE SUMMARY

Total Fees	\$18,501.00
Total Disbursements	<u>294.22</u>
Total Fees and Disbursements This Statement	<u>\$18,795.22</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000843



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BRUSSELS

November 2006

Invoice No. 1292256
1841 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
55 Cherry Hill Drive
Beverly, MA 01915
Attention:

For legal services rendered through the month of October 2006

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/12/06	C. Robertson	1.70	Review trial subpoenas issued by Cappsseals to Barrett, Maihos and Callahan; meet with P. Brooks regarding ; research and review cases regarding ; call with M. Sciucco regarding ; call with W. Callahan regarding
10/12/06	P. Brooks	0.40	Office conference regarding ; telephone conference with mike S regarding
10/12/06	S. Gelwick	0.60	Research regarding ; review court orders and Cappsseals' motion; conference with C. Robertson regarding
10/13/06	C. Robertson	0.40	Call with P. Brooks regarding ; review cases regarding ; meet with W. Callahan regarding
10/13/06	S. Gelwick	1.30	Review of financial documents produced by DMC and ITV and organize documents for supplementary process hearing; review deposition of W. Callahan; conference with P. Brooks regarding

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000848

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ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1292256

1841 / 35965

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/16/06	C. Robertson	2.20	Meet with W. Callahan in Boston regarding review documents and pleadings with W. Callahan regarding ; review notice from court regarding rescheduling of pretrial conference.
10/16/06	P. Brooks	2.80	Review financial records to prepare for SP; meeting with Wayne
10/17/06	C. Robertson	2.40	Prepare for and attend hearing in federal court on supplementary process with W. Callahan; meet with P. Brooks regarding call with M. Sciucco regarding
10/17/06	P. Brooks	3.50	Prepare for and attendance at supplementary process hearing
10/18/06	C. Robertson	1.60	Research regarding ; call with M. Sciucco regarding ; review spreadsheet of trademarks and filing parties; review pretrial order regarding trial on Cappseals/DMC case; call with S. Silverman.
10/18/06	S. Gelwick	0.30	Review emails and electronic notice regarding summary process hearing.
10/19/06	C. Robertson	0.90	Call with S. Silverman regarding appearance of witnesses and supplementary process hearing; review trademark issues and ITV assets in connection with hearing; call with M. Sciucco regarding
10/19/06	S. Gelwick	0.30	Review electronic notices filed by the court regarding pretrial conference; review court's order on contents of joint pretrial memorandum.
10/23/06	C. Robertson	0.60	Review subpoenas served by S. Silverman regarding production of documents and contracts by ITV, DMC, Seyfarth and Wayne Callahan; call with M. Sciucco regarding ; meet with S. Gelwick regarding
10/23/06	S. Gelwick	0.70	Conference with C. Robertson regarding ; review subpoenas served by Cappseals and email from C. Robertson regarding ; review correspondence from opposing counsel's office.
10/24/06	C. Robertson	1.70	Draft objections to subpoenas issued by Cappseals; review subpoenas and requested information; meet with S. Gelwick regarding ; call with M. Sciucco regarding
10/24/06	M. Henderson	6.00	Gathering information regarding subpoena of law firm's client bills.

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ATTORNEYS

SHAW

LLP

Invoice No. 1292256

1841 / 35965

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Direct Marketing Concepts, Inc.

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/24/06	P. Brooks	0.40	Office conference regarding
10/25/06	C. Robertson	1.20	Call with M. Sciucco regarding review and send objections to subpoenas requesting documents from Seyfarth Shaw, DMC and Wayne Callahan; call with R. Maihos regarding ; call with W. Callahan regarding ; meet with P. Brooks regarding
10/25/06	P. Brooks	1.90	Review objections to subpoenas; telephone conference with Silverman; prepare
10/25/06	S. Gelwick	0.30	Conference with P. Brooks regarding ; conference with C. Robertson regarding
10/26/06	C. Robertson	1.40	Calls with S. Gelwick, M. Sciucco, W. Callahan, P. Brooks and R. Maihos regarding ; call with E. Weibust regarding ; review cases pulled by E. Weibust regarding
10/26/06	E. Weibust	2.50	Supplementary process research
10/26/06	P. Brooks	4.40	Attend supplementary process hearing; email Robertson regarding
10/26/06	S. Gelwick	0.50	Review emails from P. Brooks regarding ; review case law regarding
10/27/06	C. Robertson	0.60	Calls with S. Silverman regarding pretrial status report and settlement; calls with W. Callahan and M. Sciucco regarding
10/27/06	S. Gelwick	0.40	Conference with S. Silverman regarding pretrial memo and settlement; conference with P. Brooks regarding exchange emails with C. Robertson.
10/30/06	C. Robertson	3.20	Meet with E. Weibust regarding research cases regarding review prior pretrial memorandum regarding Cappseals case; review opposition to motion for summary judgment; call with M. Sciucco regarding review subpoenas issued by Cappseals regarding ITV Ventures and related discovery.
10/30/06	E. Weibust	10.00	Drafting motion regarding asset discovery and supplementary process.

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Invoice No. 1292256

1841 / 35965

Page 4

Direct Marketing Concepts, Inc.

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/30/06	S. Gelwick	0.80	Conference with C. Robertson regarding review argument regarding discuss with E. Weibust; review subpoenas sent by S. Silverman and correspondence from Silverman.
10/31/06	C. Robertson	5.60	Draft, edit and revise pretrial order and status report regarding defenses to alter ego and related claims; review docket and prior submissions regarding preparation of pretrial order; review and research cases regarding review request for additional information from Cappseals counsel; calls with counsel and clients regarding ; calls with client regarding
10/31/06	E. Weibust	5.50	Drafting motion regarding supplementary process discovery.
10/31/06	P. Brooks	0.10	Office conference regarding
10/31/06	S. Gelwick	0.70	Conference with C. Robertson regarding ; review email from S. Silverman and Cappseals' draft pretrial memorandum.
10/31/06	T. McGrath	0.60	Review pretrial memorandum; conference with C. Robertson regarding prepare pretrial memorandum for electronic filing; file pretrial memorandum.
Total Hours		67.50	
Total Fees			22,525.50
<u>Disbursements</u>			
Copying		24.10	
Total Disbursements			\$ 24.10
Total This Statement			<u>\$22,549.60</u>

SEYFARTH
ATTORNEYS **SHAW** LLP

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BRUSSELS

November 2006

Invoice No. 1292256
1841 35965 / 35965-000006

Direct Marketing Concepts, Inc.
55 Cherry Hill Drive
Beverly, MA 01915
Attention:

INVOICE SUMMARY

Total Fees	\$22,525.50
Total Disbursements	<u>24.10</u>
Total Fees and Disbursements This Statement	<u>\$22,549.60</u>

ACCOUNTS RECEIVABLE SUMMARY

A review of our records reflects the following invoice(s) remain unpaid. Please remit payment promptly.

<i>Date</i>	<i>Invoice</i>	<i>Invoice Amount</i>	<i>Payment Received</i>	<i>Balance</i>
09/18/06	1275371	\$18,795.22	(\$18,794.24)	\$.98
10/13/06	1283004	\$4,888.82	\$.00	\$4,888.82

If you have any questions with regard to the amount as stated, please contact Kathy Hobbs in our Finance Department at 312-460-6046.

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000852